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TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1887.

No. ~~655~~, ~~620~~ 334 45

WILLIAM G. MILLER, APPELLANT,

vs.

R. M. THOMPSON, DEPUTY SHERIFF OF DEKALB COUNTY, GEORGIA.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF GEORGIA.

FILED JUNE 13, 1887.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1887.

No. 955.

WILLIAM G. MILLER, APPELLANT,

vs.

R. M. THOMPSON, DEPUTY SHERIFF OF DEKALB COUNTY, GEORGIA.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF GEORGIA.

INDEX.

	Original.	Print.
Petition of *habeas corpus*	1	1
Order as to disqualification of district judge	6	3
Order for hearing	7	3
Exhibit—Bill of indictment	7	3
Writ of *habeas corpus*	10	5
Return of service	11	5
Order adjourning date of hearing, &c.	12	5
Appearance bond and justification	12	6
Answer and demurrer	14	7
Amended and supplemental petition	18	9
Order postponing hearing	20	10
Order continuing hearing	20	10
Demurrer to return of sheriff	21	10
Order discharging writ	22	10
Order allowing appeal	22	11
Appeal bond	23	11
Appearance bond	24	12
Clerk's certificate	26	13

JUDD & DETWEILER, PRINTERS, WASHINGTON, JUNE 15, 1887.

1 In the Circuit Court of the United States for the Northern District of Georgia.

To the honorable the circuit court of the United States for the northern district of Georgia:

The petition of William G. Miller, citizen of the United States and the State of Georgia, respectfully represents that he is illegally restrained of his liberty, in violation of Article Fourteenth of the Amendments to the Constitution of the United States, by being deprived of his liberty by R. M. Thompson, a deputy sheriff of De Kalb county, Georgia, by virtue of an indictment found against him by the grand jury of said county at the spring term of the superior court of De Kalb county, for the offense of violating the local option law of that county, which prohibits the manufacture and sale of intoxicating liquors, a copy of which attachment is hereto attached.

Petitioner further alleges that, while admitting the existance of the legislative enactment which prohibits the sale and manufacture of all intoxicating liquors in said De Kalb county, provided the people of said county should so determine by ballot, and also the

2 fact that a vote was properly taken on said local option law and duly announced by the ordinary of said county as having been cast in favor of prohibition and against the manufacture and sale of all intoxicating liquors, your petitioner alleges the said law to be unconstitutional, as in violation of the Fourteenth Amendment of the Constitution of the United States, and therefore void, for the following reasons: That for some ten years prior to the passage of said local option law above referred to, which was approved Dec. 24th, 1884, Cox and Hill, a commercial firm, had been distilling whiskey in said De Kalb county at their establishment owned by them, known as the Stone Mountain distillery, duly licensed and authorized by the laws of the United States, and your petitioner was their agent and general manager, as he is now, and he managed and controlled said business for them, having a pecuniary interest in the running of the same.

That they had erected said building, put in the requisite machinery, engine, boilers, coppers, worms, still, &c., and had in all spent some nine thousand dollars upon their said distillery prior to the passage of the local option law aforesaid.

That profits from said business were large and certainly in

3 excess of five thousand dollars per annum.

That by the local election held on the 31st of March, 1885, in pursuance of the local option law aforesaid, approved Dec. 24th, 1884, all manufacture and sale of intoxicating liquors were prohibited, the penalty for the violation of said law being a fine of one thousand dollars and imprisonment for six months, either or both, in the discretion of the judge.

That the severity of said penalty deterred said Cox and Hill and your petitioner from continuing their business of distilling liquors to their great loss and detriment.

That since said distillery has been closed the property—its use being destroyed—greatly depreciated in value, so that now it would

not bring over fifteen hundred dollars, it being fit and suitable for no other purpose than the one originally intended, to wit, the distilling of liquors.

Your petitioner further alleges that his employers, together with himself, he being pecuniar-y interested in running said property, being recently informed and advised that they could lawfully run their establishment as a distillery for the reason that the legislative restraint aforesaid was unconstitutional, — petitioner, by the consent of his said employees and at some expense, made preparations
4 to begin distilling, and had actually commenced operations, the laws of the United States being first complied with, when the grand jury aforesaid found an indictment against your petitioner for manufacturing liquor in violation of law, and he was thereupon arrested unlawfully and given over to the custody of the deputy sheriff of said county, the said R. M. Thompson, all of which is in direct violation of the constitutional amendment securing to all citizens life, liberty, and property, and forbidding a deprivation thereof without due process of law.

Your petitioner further represents that he is without protection or relief in the courts of the State of Georgia, inasmuch as the supreme court of said State, in the case of Fritz Menken *vs.* The City of Atlanta, decided at the March term, 1887, of said court, to which reference is here prayed, has passed upon the question of the constitutionality of the general local option law of this State and has declared said law in full force, and that persons in the situation of your petitioner can be fined and imprisoned as is provided for in said act.

That by said law and said decision your petitioner is denied equal rights and equal protection as is guaranteed him by the Constitution of the United States and the Fourteenth Amendment
5 thereof, and will be punished by fine and imprisonment in violation of said constitutional guarantee, unless protected by this court.

That said local option law is null and void, as being contrary to said Fourteenth Amendment of the United States Constitution, and hence your petitioner's arrest is without color of law, null and void, but the supreme court of Georgia, as before stated, has refused so to declare the principal involved in the local option law passed Dec. 24th, 1884, for the county of De Kalb, being the same as that in the general local option liquor law approved Sept. 18th, 1885, and passed upon by the supreme court of Georgia in the aforesaid case.

Wherefore petitioner alleges that his restraint is illegal, and prays this court to issue the writ of *habeas corpus*, directed to said R. M. Thompson, deputy sheriff of De Kalb county, and detainer of your petitioner as aforesaid, commanding him to bring petitioner before this court at such time and place as the court may direct, and that all proceedings in this matter may be stayed so that right and justice may be done in the premises, and he will ever pray.

J. CARROLL PAYNE,
T. J. SIMMES,
Att'ys for Pet'r.

6 William J. Miller, being sworn, says that the allegations contained in the foregoing petition, which he makes of his own knowledge, are true, and that all other matters therein stated he believes to be true.

WILLIAM G. MILLER.

Sworn to and subscribed before me this 31 day of March, 1887.
[SEAL.] J. R. RUSSELL,
Clerk S. C.

J. Carroll Payne, being duly sworn, deposes and says that he was unable to obtain a copy of the indictment referred to in the above petition in time to be used with the above application for *habeas corpus*, but that the same shall be produced upon the trial of the rule to show cause.

J. CARROLL PAYNE.

Sworn to and subscribed before me this 31st March, 1887.
O. C. FULLER,
Dep. Clerk U. S. Courts.

AT CHAMBERS, *March 31st*, 1887.

Having been of counsel before and at the time I went on the bench in cases wherein the questions made in this case were made, and having given advice and opinion on the questions, I consider myself disqualified to act on this application for the writ of *habeas corpus*.

WM. T. NEWMAN,
U. S. Judge.

7 *Order.*

Let this petition be filed in the circuit court of the United States for the northern district of Georgia, at Atlanta, and let a writ of *habeas corpus* issue, as prayed for, returnable before said court on the the fifth day of April, 1887, at 11 a. m.

April 1st, 1887.

DON A. PARDEE,
Circuit Judge.

Filed in clerk's office April 4, 1887.

A. E. BUCK, *Clerk.*

Exhibit to Petition. Bill of Indictment.

STATE OF GEORGIA, *De Kalb County:*

The grand jurors selected, chosen, and sworn for the county of De Kalb, to wit: 1, William F. Pattilo, foreman; 2, Jno. P. Simpson; 3, Charles M. White; 4, Jno. M. Leftinch; 5, Benjamin F. Morris; 6, William C. Holbrook; 7, Thomas L. St. John; 8, Charles M. Morris; 9, Robert F. Davis; 10, Esour J. Bond; 11, George W. Mathews; 12, Jno. W. F. Tilly; 13, Edward S. Lathrop; 14, James M. Goldsmith; 15, Orian T. Terry; 16, Jno. R. George; 17, William M. Houston; 18, William J. Veal; 19, Jno. W. McCurdy; 20, Tandy

Y. Nash; 21, Isaac N. Nash; 22, William H. Webb; 23, Jno.
8 F. Edwards, in the name and behalf of the citizens of Georgia, charge and accuse William G. Miller, of the county and State aforesaid, with the offense of a misdemeanor, for that the said William G. Miller, in the county aforesaid, on the twenty-ninth day of March, in the year of our Lord eighteen hundred and eighty-seven, with force and arms, did manufacture whiskey, the same being an intoxicating liquor, and did so manufacture said whiskey; on a day after that a petition, signed by more than fifty of the legal voters of said county, had been presented to the ordinary of said county asking an order for an election to decide whether intoxicating liquors should be manufactured or sold in said county; and after that said ordinary had filed in his office said petition which had been so presented to him; and after that said ordinary had, within five days from said filing thereof, given public notice in the newspaper in which the public advertisements of said county were at the time of said notice published, appointing a day for said election, which day so appointed was the 31 day of March, in the year 1885, a day not less than 20 nor more than 30 days after said publication; and after that said election so ordered had been held on said 31st day of March, in the year
1885, under the rules and regulations prescribed for members of
9 the General Assembly; and after that a majority of the votes cast at said election had been endorsed "not allowed," and so certified by the managers of said election upon legal consolidation of the votes of the different precincts; and after that the said ordinary had immediately thereupon given notice thereof in said public gazette, said petition having been presented as aforesaid; on a day after that an act, entitled "An act to authorize the citizens of De Kalb county to cast a vote to decide whether intoxicating liquors shall be manufactured or sold in said county," had been passed by the General Assembly of said State and had been, on the 24 day of December, 1884, approved by the Governor of said State, by the terms of which acts the things herein charged were forbidden and directed to be punished as prescribed in section 4310 of the code of 1882—that is to say, the said petition, having —, as aforesaid, on the 2d day of March, in the year 1882, contrary to the laws of said State, the good order, peace, and dignity thereof.

And the jurors aforesaid, upon their oaths aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse the said William G. Miller with the offense of misdemeanor, for that the
said William G. Miller, in the county aforesaid, on the twenty-
10 ninth day of March, in the year of our Lord eighteen hundred and eighty-seven, with force and arms, did manufacture intoxicating liquors in said county, where by law the manufacture of such liquors was not allowed, but was prohibited, said intoxicating liquors not being domestic wines or cider or wines for medicinal or sacramental purposes, contrary to the laws of said State, the good order, peace, and dignity thereof.

H. C. JONES,
Solicitor General, Stone Mountain Circuit.

Special Presentment of the Grand Jury.

De Kalb Superior Court. Spring Term, 1887.

True bill.
30 day of March, 1887.

WILLIAM F. PATTILLO, *Foreman.*

Filed in clerk's office April 4, 1887.

A. E. BUCK, *Clerk.*

Writ Habeas Corpus to Dep'y She'ff De Kalb Co., Ga.

In the Circuit Court of the United States for the Northern District of Georgia.

The President of the United States of America to R. M. Thompson, deputy sheriff of DeKalb county, State of Georgia, Greeting:

11 You are hereby commanded that you have the body of William G. Miller, by you imprisoned and detained it is said, together with the time and cause of such imprisonment and detention, by whatsoever name the said William G. Miller shall be called or charged, before the honorable judges of the circuit court of the United States for the northern district of Georgia, at the United States court-room, in the city of Atlanta, Georgia, on the fifth day of April, A. D. 1887, at eleven o'clock in the forenoon, to do and receive what shall then and there be considered concerning the said William G. Miller; and have you then and there this writ.

Witness the Honorable Morrison R. Waite, Chief Justice of the United States, and the seal of the said court, at Atlanta, Ga., this the 4 day of April, A. D. 1887.

[SEAL.] A. E. BUCK, *Clerk.*

Service.

Personally served a copy of the within writ on R. M. Thompson, deputy sheriff of De Kalb Co., Ga., at Decatur, De Kalb Co., Georgia, at 1 p. m. this day, April 4th, 1887.

J. W. NELENS, *U. S. M.*,
By E. C. MURPHY, *Deputy.*

Returned and filed April 5, 1887.

A. E. BUCK, *Clerk*,
By O. C. FULLER, *Deputy.*

12 *Order Setting Down Cause for Hearing and Releasing Miller on Bond.*

U. S. Circuit Court, Northern Dist. of Ga.

Ex Parte MILLER.

Application for writ of *habeas corpus.*

This cause being fixed for hearing this day by order of Judge Pardee, and said Miller, his counsel, and counsel for the solicitor

general of De Kalb county being present, it is ordered, at the instance of Judge Pardee, that this case be fixed for the 1st Monday in May, when he be present, to try the same engagements elsewhere, preventing his presence this day.

It is further ordered that the said Miller be admitted to bail, upon the order of Judge Pardee, until the hearing, and that his bail be fixed at two thousand dollars.

April 5th, 1887.

WM. T. NEWMAN,
U. S. Judge Presiding in the Court.

Filed in clerk's office 5 day of April, 1887.

A. E. BUCK, *Clerk*,
By O. C. FULLER, *Dep. Clerk.*

Bond.

UNITED STATES OF AMERICA,
State of Georgia, Fulton County:

Know all men by these presents that we, William G. Miller, as principal, and W. R. Hill, as surety, are held and firmly
13 bound unto the United States of America in the just and full sum of two thousand ($2,000.00) dollars, for the true payment of which we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this fifth day of April, in the year of our Lord one thousand eight hundred and eighty-seven.

The condition of the above obligation is such that whereas in the superior court of De Kalb county, Georgia, held at Decatur, in March, 1887, a bill of indictment was found true against the said William G. Miller by the grand jury of De Kalb county for violating the local option law of said De Kalb county, Georgia, upon a bench warrant issued thereon, and said William G. Miller was arrested by R. M. Thompson, a deputy sheriff of said county, and has been brought before the circuit court of the United States for the northern district of Georgia by a writ of *habeas corpus* issuing from said court:

Now, should the said William G. Miller be and appear at said court to be held at Atlanta, as may be required at the next term, Oct., 1887, and from term to term thereafter to abide by the result of the hearing of said writ of *habeas corpus*, and shall not depart
14 thence without the leave of said court, then the above obligation to be void; else to remain in full force.

W. G. MILLER. [SEAL.]
W. R. HILL. [SEAL.]

Signed, sealed, and acknowledged before—
A. E. BUCK,
U. S. Comm'r.

GEORGIA, *Fulton County:*

W. R. Hill, being duly sworn, depose- and say- *each* for himself, that he is worth the sum of two thousand (2,000) dollars in his own right over and above all his just debts and liabilities and exemptions under the homestead and exemption laws of Georgia.

W. R. HILL.

Sworn to and subscribed before me this 5 day of April, 1887.

A. E. BUCK,
U. S. Commissioner.

Filed in clerk's office 5 day of April, 1887.

A. E. BUCK, *Clerk,*
By O. C. FULLER,
Dep. Clerk.

Answer and Demurrer to Habeas Corpus.

In the Circuit Court of the United States for the Northern District of Georgia.

WILLIAM G. MILLER *vs.* R. M. THOMPSON, Dep. Sh'ff, &c.

Habeas corpus.

Comes now the respondent in the above-stated cause, within three days from the issuing of said writ, and for answer thereto
15 and to so much of the petition upon which said writ issued as he is advised that it is material and necessary to answer, saving and reserving his right to demur and plead to the jurisdiction, answering, says:

Respondent admits that by an act of the General Assembly of the State of Georgia, approved Dec. 24th, 1884, it was made a criminal offense against said State to manufacture or sell intoxicating liquors in the county of De Kalb, provided the people of said county should so determine by ballot, under certain forms by said act prescribed, and that by said act fine or imprisonment are prescribed as a penalty for the violation thereof.

And respondent further admits, as alleged in said petition, that in March of the year 1885 a vote of the people of said county was properly taken on said local option law and the result of said vote duly announced by the ordinary of said county as in favor of prohibiting the manufacture or sale of intoxicating liquors in said county; and affiant further admits that at the spring term, 1887, of the superior court of said county the grand jury of said county returned into court a special presentment of that body charging and accusing the complainant in this writ, in the name and behalf of the citizens of Georgia, with the offense of violating the terms of said law by manufacturing whiskey in said county; and re-
16 spondent further admits that thereupon a bench warrant issued, directed to the sheriffs and deputies, all and singular, of said State, predicated upon said presentment for the arrest of said William G. Miller; respondent also admits that as deputy sheriff of

De Kalb county he arrested said William G. Miller under and by virtue of the authority of said warrant and held him in custody at the time of the service of said writ of *habeas corpus* awaiting the trial by said court upon said presentment; and respondent says that said act of the General Assembly is valid and constitutional and that his authority to hold said prisoner is perfect.

Respondent neither admits nor denies the allegations of said petition touching the firm of Cox and Hill and their alleged distillery, nor that complainant was their general manager, nor as to his interest in said distillery, nor anything touching the value or profits thereof, nor of the effects of said law upon said business, nor as to the cessation of said business by said firm since the passage of said law; upon all these matters respondent is entirely ignorant and demands that the same be proven by the complainant in the writ, provided the court should hold jurisdiction to inquire into such matters, nor does respondent know anything as to the motives and advice upon which the complainant acted in manufacturing
17 said liquors, nor by whose permission he used the distillery, nor whether the charge had reference to said distillery, save by public rumor, nor does respondent admit or deny anything touching the alleged case of Fritz Menken.

And now, having fully answered all the facts alleged in said petition, respondents demurs thereto upon the following grounds, to wit:

1st. It is apparent upon the face of said petition that the whole matter is in custody and control of a superior court of competent jurisdiction, whose officer respondent is.

2d. If it were true as alleged that the law is invalid as to the complainant in the writ, such invalidity depends upon facts not apparent on the face of the law and which can be pleaded by way of defense to the presentment; and respondent says that such matters are not cognizable by way of *habeas corpus*.

3d. If such were not the case respondent says that the petition nowhere shows that the complainant was acting as the agent of the owners of said distillery, nor as owner himself, but, on the contrary, shows that he was a mere volunteer and can claim no protection on the grounds alleged.

Respondent reserves the right hereafter to amend this answer so far as may be necessary and proper, and prays the judgment of the court whether it will further inquire of said restraint or hold any jurisdiction of this matter, and prays that the said Miller
18 may be restored again to the custody and control of respondent, whence he has been improperly taken.

ALEXANDER AND TURNBULL,
For the Respondent.

GEORGIA, *Fulton County:*

You, R. M. Thompson, respondent in said cause, do swear that the facts stated in the above answer are true to the best of your knowledge and belief, so help you God.

R. M. THOMPSON.

Sworn to and subscribed before me this the 7 day of April, 1887.

THOS. F. CORRIGAN,
Notary Public, Fulton County, Georgia.

Filed in clerk's office April 7th, 1887.

A. E. BUCK, *Clerk.*

Amended and Supplemental Petition.

U. S. Circuit Court, Northern District of Georgia.

Ex Parte WILLIAM G. MILLER. No. 49.

Now comes William G. Miller, leave of the court being first had, and files this his amended and supplemental petition, and your petitioner represents:

That he was the agent of Cox & Hill, the owners of the Stone Mountain distillery, in De Kalb county, prior to the passage of the local option law, when it was lawful to manufacture intoxi-
19 cating liquors, but that at no time, either before or since the passage of said law, was any of the whiskey manufactured by them sold in De Kalb county; that they never sold any whiskey or other intoxicating liquors at any time in said county.

That at the time your petitioner was arrested he was distilling whiskey at the said Stone Mountain distillery as the agent of the said Cox and Hill, the owners of said distillery, and that he never distilled whiskey at any other time or place save on the one occasion above mentioned, at the said distillery, since the passage of said local option law.

Petitioner further alleges that in several other cases where the bills were found by the grand jury of De Kalb county for violations of said local option law the parties violating said law, as alleged, were arrested, tried, and convicted for the same at the March term, 1887, of said superior court.

Your petitioner further alleges that not only is his arrest unlawful, but that he cannot be tried for said alleged offense until the next term of said superior court of De Kalb county.

Wherefore petitioner prays that he be discharged from custody, in which he has been illegally detained, and renews the prayer in his petition, heretofore filed by him in the above cause, praying for a writ of *habeas corpus*.

J. CARROLL PAYNE,
For Petitioner.

20 William G. Miller, being duly sworn, says that the foregoing allegations which he makes of his own knowledge are true, and that all other matters above stated he believes to be true.

WILLIAM G. MILLER.

Sworn to and subscribed before me this 2d day of May, 1887.

O. C. FULLER,
Deputy Clerk.

Filed in office May 2d, 1887.

A. E. BUCK, *Clerk.*

Order Postponing Hearing to 11th May, 1887.

United States Circuit Court, Northern District of Georgia.

Ex Parte MILLER. *Habeas Corpus.*

At the request of Judge Pardee it is ordered that the hearing in above matter be postponed to Monday, May 11th, 1887.

WM. T. NEWMAN,
U. S. Judge.

Filed in clerk's office 2 day of May, 1887.

A. E. BUCK, *Clerk*,
By O. C. FULLER, *Dep. Clerk.*

Order Continuing Case & Setting Same for Trial.

U. S. Circuit Court, Northern Dist. Ga.

Ex Parte MILLER.

By direction of Judge Don A. Pardee this case was con-
21 tinued and ordered set down for trial on Wednesday, May 18th, 1887, application for continuance being made by the attorney general of the State of Georgia.

May 11th, 1887.

WM. T. NEWMAN,
U. S. Judge.

Filed in clerk's office May 11th, 1887.

A. E. BUCK, *Clerk*,
By O. C. FULLER, *Deputy.*

Demurrer to Return of Sheriff.

Northern Dist. Ga., U. S. Circuit Court.

Ex Parte MILLER. No. 49.

Now comes plaintiff, William G. Miller, and demurs to the return made by William Thompson, d'y sheriff, to the writ of *habeas corpus* which issued herein as being insufficient, the court of De Kalb county being without jurisdiction, and prays that the same be recognized as insufficient and that petitioner be discharged.

J. CARROLL PAYNE,
For Petitioner.

Filed in office May 18th, 1887.

A. E. BUCK, *Clerk.*

22 *Order Discharging Writ of Habeas Corpus.*

In Circuit Court of the United States for the Northern District of Georgia.

WILLIAM G. MILLER *vs.* R. M. THOMPSON.

Habeas Corpus.

After argument heard in the above-stated cause upon the petition

and answer it is considered, ordered, and adjudged by the court that the writ be discharged, with costs to be paid by relator.

This the 20 day of May, 1887.

DON A. PARDEE, *Judge.*

Filed in clerk's office May 20, 1887.

A. E. BUCK, *Clerk.*

Order Allowing Appeal and Requiring Bond, &c.

U. S. Circuit Court for Northern District of Georgia.

In the Matter of WILLIAM G. MILLER.

This cause came on for hearing—present, J. Carroll Payne, for petitioner; Messrs. Alexander and Turnbull and the attorney general, Clifford Anderson, for the respondent and the State of Georgia—and thereupon, after hearing both sides, the writ of *habeas corpus* issued herein was dismissed. Thereupon, in open court, in presence of counsel for respondent, on May 20, 1887, motion for suspensive appeal was made by J. Carroll Payne, attorney for William G. Miller, and same was granted, returnable to the Supreme Court, sitting in Washington, at the next term, October, 1867.

23

The bond for said appeal being considered and approved, thereupon motion was made by J. Carroll Payne, attorney for said William G. Miller, asking that said Miller be allowed to give an appearance bond, in the sum of two thousand dollars, to appear and abide by the final decision in this cause; which said motion was granted and the surety on said bond approved, and it is so ordered.

In open court, May 20th, 1887.

DON A. PARDEE, *Judge.*

Filed in clerk's office May 20, 1887.

A. E. BUCK, *Clerk.*

Appeal Bond, May 20th, 1887.

GEORGIA, *Fulton County:*

Know all men by these presents that we, William G. Miller, as principal, and W. R. Hill and Jno. M. Hill, as sureties, all of the State of Georgia, are held and firmly bound unto the United States of America in the sum of five hundred and fifty dollars, current money of the United States; for which payment, well and truly to be made, we bind ourselves, our heirs, ex'ors, and administrators and assigns, both jointly and severally, by these presents.

24

Sealed with our seals, signed, and dated this 20th May, 1887.

Whereas in the suit of *Ex Parte* Miller, wherein an application for writ of *habeas corpus* was made, and, by judgment of the circuit court of the United States for the northern district of Georgia, rendered May 20th, 1887, the writ of *habeas corpus* which had issued in said cause was dismissed and a suspensive appeal taken and allowed to the Supreme Court of the United States to reverse said decision:

Now, the condition of the above obligation is that the above obligors will well and truly pay all damages and costs incurred in prosecuting said appeal should said William G. Miller be cast therein; that he will prosecute his appeal to effect, and if he fail to make his plea good shall answer all damages and costs.

WILLIAM G. MILLER.
W. R. HILL.
JOHN M. HILL.

Bond accepted.

DON A. PARDEE, *Judge.*

Filed in clerk's office May 20th, 1887.

A. E. BUCK, *Clerk.*

Appearance Bond.

UNITED STATES OF AMERICA,
Northern District of Georgia, Fulton County:

Know all men by these presents that we, William G. Miller, as principal, and W. R. Hill and John M. Hill, as sureties,
25 are held and firmly bound unto the United States of America in the just and full sum of two thousand ($2,000.00) dollars; for the true payment of which we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this 20 day of May, in the year of our Lord one thousand eight hundred and eighty-seven.

The condition of the above obligation is such that whereas in the superior court of De Kalb county, Georgia, held at Decatur, at March term, 1887, a bill of indictment was found true against the said William G. Miller by the grand jury of said De Kalb Co. for violating the local option law of said De Kalb Co., and that he was arrested upon a bench warrant issuing from said De Kalb superior court by one R. M. Thompson, a deputy sheriff of said county, and has been brought before the circuit court of the United States for the northern district of Georgia by a writ of *habeas corpus* issuing from said court, and said writ of *habeas corpus*, upon a hearing, has been dismissed, the said local option law declared constitutional, and a suspensive appeal been granted to the Supreme Court, sitting in Washington:

Now, should the said W. G. Miller be and appear at the next term of said circuit court to be held at Atlanta, or at the next term of the Supreme Court of the United States in Washington, on the second Monday in October next, and from day to day and from term to term thereafter to abide by the final hearing of application
26 for a writ of *habeas corpus*, and shall not depart thence without the leave of said court, then the above obligation to be void; else to remain in full force.

WILLIAM G. MILLER. [SEAL.]
W. R. HILL. [SEAL.]
JOHN M. HILL. [SEAL.]

Signed, sealed, and acknowledged before me and bond accepted.
DON A. PARDEE, *Judge.*

Taken, approved, and filed this 20 day of May, 1887.
A. E. BUCK, *Clerk.*

UNITED STATES OF AMERICA,
Northern District of Georgia, } *ss:*

I, A. E. Buck, clerk United States circuit court in and for the northern district of Georgia, do hereby certify the foregoing to be a true, full, correct, and complete transcript of the record and all the proceedings had in the matter of *Ex Parte* William G. Miller on petition for writ of *habeas corpus*, as the same appears from the records of said court now remaining on file in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of court, at office in Atlanta, in said district, this 6 day of June, A. D. 1887.

[Seal U. S. Circuit Court, N. D. Georgia.]

A. E. BUCK, *Clerk.*

Endorsed on cover: N. Georgia C. C. U. S. No. 955. William G. Miller, appellant, *vs.* R. M. Thompson, deputy sheriff of De Kalb county, Georgia. Filed June 13, 1887.